



IF DPC

PATENT PETITION

Attorney Docket No.:

200415-0001-00-US (404536)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent in the name of Michael Conor Minogue, et al.

Ser. No.: 09/902,287 (now US 7,069,089)

Filed: July 10, 2001

For: ABDOMINAL BELT WITH ADJUSTABLE ELECTRODES

US Class: 607/149

PETITION UNDER 37 CFR 1.78(a)(3) TO ACCEPT UNINTENTIONALLY DELAYED

CLAIM OF PRIORITY UNDER 37 CFR 1.78(a)(2) AND (5)

MAIL STOP PETITION

Office of Petitions

P.O. Box 1450

Alexandria, VA 22313-1450

Sir or Madam:

Patentees in the above-identified patent hereby petition under 37 C.F.R. § 1.78(a)(3) for acceptance of a priority claim, which was made, but allegedly not perfected in the present patent. The surcharge set forth in 37 C.F.R. § 1.17(t) accompanies this petition. No other fee is believed due. Please charge any fee that is due, and credit any overpayment, to Deposit Account No. 50-0573.

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: MAIL STOP PETITION, Office of Petitions, P.O. Box 1450, Alexandria, VA 22313-1450.

BY

DATE:

[Signature]
June 4, 2009

Moreover, the Filing Receipt for the child application acknowledges the chain of title going back to the Irish Application.

In other words, patentees included a benefit claim within the time period set forth in 37 CFR 1.78(a), but because no filing receipt was ever issued for the case, patentees are forced to file this petition. Because the PTO has repeatedly accepted the patentee's claim for priority, and even included it in the issued patent, the granting of this petition should be merely a formality.

Patentees state that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and that date the claim was filed was unintentional.

Based on the foregoing, patentees respectfully request that its claim to priority to the Irish application be perfected.

Respectfully submitted,

MICHAEL CONOR MINOGUE, *et al.*

By:



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